

REMARKS

The Office examined claims 1-15 and issued a restriction requirement requiring election of one of claims 1-6 (Group I), claims 7-10 (Group II), or claims 11-15 (Group III).

Election

Applicant hereby elects the Group I (claims 1-6) for examination, with traverse.

Traversal of the restriction requirement

The Examiner asserts that restriction is proper because the inventions as claimed are distinct, each from the other because the inventions have different functions, do not encompass overlapping subject matter, and are not obvious variants.

Applicant respectfully submits that the aspect of the invention in claims 1-6 is not “distinct” from the aspect of the invention in claims 7-10, nor from the aspect of the invention in claims 11-15, as required for a restriction requirement by 35 USC 121.

The MPEP at 806.05(j) explains that:

Related inventions are distinct if the (1) the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect; (2) the inventions do not overlap in scope, i.e., are mutually exclusive; and (3) the inventions as claimed are not obvious variants.

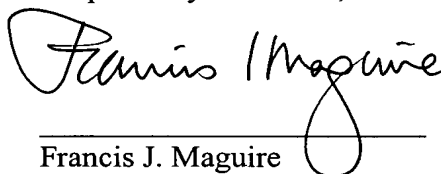
Obviously, the decoder-oriented claims of Group I are capable of use together with the encoder-oriented claims of Group II (at opposite ends of a communications link) with the editing loop section claims of Group III, for instance forming part of the encoder function, the designs of the encoder/decoder are inverse to each other, the three groups do in fact, overlap in scope because they are not mutually exclusive because one could not be used without the others, and, finally, are obvious variants of each other.

Applicant therefore respectfully submits that the inventions as in claim 1-6, claims 7-10 and claims 11-15 are not distinct, as required for restriction per 35 USC 121, and so the restriction requirement is improper. Withdrawal thereof is requested.

CONCLUSION

It is believed that all of the claims of the application are in condition for allowance and their passage to issue is earnestly solicited. Applicant's attorney urges the Examiner to call to discuss the present response if anything in the present response is unclear or unpersuasive.

Respectfully submitted,

A handwritten signature in black ink, reading "Francis J. Maguire". The signature is written in a cursive style with a large, looping "F" and a long, sweeping underline that extends to the right.

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